

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

WENDELL DWAYNE O'NEAL,

Petitioner,

vs.

STATE OF MICHIGAN, et al.,

Respondents.

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CIVIL ACTION NO. 05-IPJ-RRA-2091-NE

MEMORANDUM OPINION

_____ This is a petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The petition, filed in this court on October 6, 2005, is sketchy at best. In his petition, O'Neal appears to challenge his September 30, 1985, conviction for breaking and entering in Oakland County, Michigan, and a 2004 conviction in Hennepin County, Minnesota, for attempted simple robbery.

A petition for a writ of habeas corpus is properly filed in "the district court for the district wherein such person is in custody or in the district court within which the State court was held which convicted and sentenced him." 28 U.S.C. § 2241(d). According to the petition, O'Neal was convicted in Oakland County, Michigan, which is within the Eastern District of Michigan and in Hennepin County, Minnesota, which is within the District of Minnesota. Thus, O'Neal should have filed petitions in those districts challenging his convictions separately. Section 2241(d) further provides that "in the exercise of its discretion and in furtherance of justice" this court may transfer the petitioner's application for a writ of habeas corpus to the appropriate district court for hearing and determination. However, since O'Neal has challenged convictions from two different states in a single petition, the court concludes that it would be more appropriate to DISMISS the current

petition without prejudice to O'Neal's right to file separate petitions in the appropriate district courts in Michigan and Minnesota.

An appropriate order will be entered.

DONE this 12th day of October, 2005.

A handwritten signature in cursive script, reading "Inge Prytz Johnson", written in black ink.

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE